

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

MARVA AUSTIN,

Plaintiff,

v.

Civil Action No. _____
Chesapeake Circuit Court Case No. CL22-4203

WAL-MART STORES EAST, LP,

AND

WAL-MART SUPERCENTER #1682

Defendants.

NOTICE OF REMOVAL

Wal-Mart Stores East, LP (“Walmart”),¹ by counsel, pursuant to 28 U.S.C. §§ 1441 and 1446, hereby files this Notice of Removal on the following grounds:

1. Plaintiff filed a Complaint in Chesapeake Circuit Court on July 15, 2022, seeking \$500,000.00 in damages against Walmart (**Exhibit A**). This is a personal injury action in which Plaintiff claims to have been injured at a Wal-Mart store in the City of Chesapeake on July 17, 2020, as a result of Walmart’s negligence, causing Plaintiff to sustain serious and permanent injuries. Compl. ¶ 5.

2. Walmart’s registered agent was served with the Complaint on July 22, 2022.

¹ Wal-Mart Supercenter #1682 is a fictitious entity. Wal-Mart Stores East, LP is the proper entity that operated the subject store at the time of the incident.

3. Walmart timely filed an Answer to Plaintiff's Complaint (**Exhibit B**) on August 1, 2022, alleging that Wal-Mart Stores East, LP is the only correct party defendant.

4. Upon information and belief, Plaintiff is a citizen of Virginia.

5. The entity that operated the subject Walmart on the date of the accident was Wal-Mart Stores East, LP, which is a Delaware limited partnership with its principal place of business in Bentonville, Arkansas.

i. Wal-Mart Stores East, LP, has two partners: Wal-Mart Stores East Management, LLC, and Wal-Mart Stores East Investment, LLC. Both are Delaware limited liability companies, with their principal place of business being in Bentonville at the time of filing this action and at the present time.

ii. The sole member of Wal-Mart Stores East Management, LLC is Wal-Mart Stores East, Inc., an Arkansas corporation with its principal place of business being in Bentonville, Arkansas at the time of filing this action and at the present time.

iii. The sole member of Wal-Mart Stores East Investment, LLC is Wal-Mart Stores East, Inc., an Arkansas corporation with its principal place of business being in Bentonville, Arkansas at the time of the filing of this action and at the present time.

6. This action involves a controversy wholly between citizens of different states.

There is complete diversity of citizenship.

7. This Court has original jurisdiction in this matter pursuant to 28 U.S.C. § 1332(a), and the action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441(a). Walmart desires to remove this action to this Court.

8. Pursuant to 28 U.S.C. § 1446 (b)(3), this Notice of Removal is filed within (30) days of service of the Complaint on Walmart.

WHEREFORE, Wal-Mart Stores East, LP, by counsel, respectfully requests that this action be removed from the Circuit Court of the City of Chesapeake, Virginia, to this Court.

WAL-MART STORES EAST, LP

By: s/Joseph M. Moore
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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of August, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing to the following:

Anthony M. Gantous, Esq. (VSB No. 78186)
Joshua J. Coe, Esq. (VSB No. 80236)
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Counsel for Plaintiff

And I hereby certify that on this 3rd day of August, 2022, I caused a true copy of the foregoing to be sent via U.S. mail to:

The Honorable Alan P. Krasnoff
Clerk of City of Chesapeake Circuit Court
307 Albemarle Drive
Suite 300A
Chesapeake, VA 23322-5579

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